IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Sanjay Kanongo. Versus Smt.Lalita & Anr.

S.B. Criminal Misc. Petition No. 743/2003
against the order dated 19-7-2003 passed
by the Judicial Magistrate No.7, Jodhpur, in
Criminal Original Case No. 1309/2001.

...

Date of Order: November 07, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
None present for the non-petitioner No.1.

BY THE COURT:

No one appears for the petitioner and the non-petitioner No.1 despite repeated calls.

By the instant petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 19-7-2003 passed by the Judicial Magistrate No.7, Jodhpur (for short, "the trial Court" hereinafter) in Criminal Original Case No.1309/2001, whereby the trial Court refused to compound the offence under Section 498-A, IPC.

The offence under Section 498-A, IPC is not compoundable in view of a Three Judge decision of the Hon'ble Supreme Court in Surendra Nath Mohanty & Anr. Vs. State of

Orissa, 1999 Cr.L.J. 3496 (SC) and a decision of this Court in Bheru Singh Vs. State of Rajasthan, 2002 (2) Cr.L.R. (Raj.) 813.

In this view of the matter, the trial Court was justified in declining to compound the offence. It cannot be said that the order impugned is erroneous.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs